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AUTHOR Miller, Rosalind
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ABSTRACT

The population for a study conducted to determine how knowledgeable teachers and media specialists are about the new copyright law consisted of 147 teachers and 52 media specialists, who were randomly selected from schools in suburban Atlanta school districts. A questionnaire was designed based on the documents published by the professional associations to acquaint teachers, librarians, and media specialists with those provisions of the law that would directly concern them in their professional roles. The first six of the 19 questions on the questionnaire dealt with the copyright law in general: while media specialists scored on an average a bit better than teachers (50.83 percent to 45.5 percent), it was not a significant difference. The last 13 questions were application oriented and both groups did better on these, with the teachers scoring on the average of 59.3 percent and media specialists on the average of 65.2 percent. It was concluded that, despite their special position in the school and the amount of material available to them, media specialists are only slightly better informed about the law than teachers. (Author/LLS)

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COPYRIGHT CONSCIOUSNESS:

TEACHERS AND MEDIA SPECIALISTS

by

Rosalind Miller

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From the day that technology made it possible to copy a film, book or tape, rather than buy it, copyright in America became a controversial issue; especially for those representing the interest of authors and publishers on one hand and teachers and librarians on the other. Finally, after years of debate, on October 19, 1976, President Ford signed Public Law 94-553, to go into effect on January 1, 1978. This was the first major revision of the copyright since 1909 and was the first to give statutory recognition to certain kinds of copying when done in the name of "fair use."

After October 19, 1976 professional journals and organizations seemed in a frenzy to inform librarians, school media specialists and teachers about ramifications of the new law. For example between March 1976 and February 1977, READER'S GUIDE listed fifty articles under the subject heading "copyright" with four "see also" references; and between March 1977 and February 1976 listed forty-five articles with five "see alsos." These were in such diverse publications as AMERICAN ARTIST, SCIENCE, TIME, PUBLISHERS WEEKLY and ESQUIRE. EDUCATION INDEX listed twenty-eight articles between July 1976 and June 1977, and forty-seven between July 1977 and June 1978 in a variety of journals that included READING TEACHER, AAUP BULLETIN, AMERICAN SCHOOL BOARD JOURNAL, SCIENCE TEACHER, INSTRUCTOR, and AUDIOVISUAL INSTRUCTOR which started a monthly column on problems of copyright. Not to be outdone LIBRARY LITERATURE listed six pages of citations for 1976-77 and four pages in 1978.

Nor was this all. The association for Educational Communication and Technology, the American Library Association, the National Education Association and the Copyright Office all produced publications specifically to inform teachers and librarians about the new law: and on February 7, 1978 the American Library Association sponsored a satellite seminar on the law as a NASA satellite beamed a teleconference to fifteen southern states.

With such a bombardment of information available about a law that has such enormous implications for teachers and media specialists it could be assumed that these groups would be fairly knowledgeable about the guidelines for use. Therefore an investigation was undertaken to find out if this assumption would be correct.

The population for this study was 147 teachers and 52 media specialists randomly selected from schools in suburban Atlanta school districts. All had college degrees, all were certified, and all had performed in their jobs at least one year.

A questionnaire was designed based on those documents published by the professional associations to acquaint teachers, librarians and media specialists with those provisions of the law that would directly concern them in their professional roles. These documents were:

COPYRIGHT AND EDUCATIONAL MEDIA, A GUIDE TO FAIR USE AND PERMISSIONS PROCEDURES, Association for Educational Communication and Technology, Washington, D.C. 1977.

LIBRARIAN' GUIDE TO THE NEW COPYRIGHT LAW, American Library Association, Chicago, 1977.

THE NEW COPYRIGHT LAW: QUESTIONS TEACHERS AND LIBRARIANS ASK. National Education Association, Washington, D.C. 1977.

The first six questions of the nineteen questions were general questions dealing with the new law, the last thirteen were questions of application. The following information was sought:

What percentage of teachers and what percentage of media specialist could answer each question correctly and would a chi-quare reveal any significant difference between their answer? Could a general awareness of the provisions of the new law assure a greater knowledge of application? What percentage of

teachers and media specialists received information about the law from their school or district? The following is the questionnaire and the results:

On October 19, 1976, a bill for general revision of the copyright law was signed by the President and became Pulbic Law 94-533, which took effect January 1, 1978. Educators were thus left with the rather formidable job of understanding and applying this new law. We are doing an informal survey in an effort to judge how educators interpret PL 94-533. Please do not sign your name.

(The first six questions were true or false).

1. The new copyright law extends only to published works, unpublished works are unprotected.

   False: Copyright protection extends to unpublished works by both U.S. and Foreign authors. (Section 101)

   Teachers correct: 46.3% Media Specialists: 53.8%

2. Any government publication may be reproduced in any form by anyone without breaking the copyright law.

   True: Works produced by the U.S. government are not subject to copyright. (Section 105)

   Teachers correct: 27% Media specialists: 38.5%

3. The doctrine of "fair use" as far as educators are concerned means copying can always be done for non-profit educational purposes when it will not effect the potential market for the work.

   False: "Fair use" is an important concept for educators. For the first time, it allows copying of a limited amount of materials without permission from or payment to the copyright owner, when certain statutory criteria are met.

   These are:

   1. The purposes and character of the use and whether it is non-profit.
   2. The nature of the work.
   3. The amount and substantiality of the portion used in relations to the work as a whole.
   4. The effect of the use upon the potential market for or value of the work. (Section 107). In addition, since the interpretation of fair use is so important, minimum guidelines were drawn up by representatives of educators, authors and publishers.

These guidelines accompany the new law and are entitled AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT FOR PROFIT EDUCATIONAL INSTITUTIONS.

Teachers correct: 23.1% Media specialists: 15.4%

4. The media specialist cannot be accused of breaking the copyright law as long as a higher authority ordered the work done.

   False: The guidelines specifically forbid that copying can be directed by a higher authority though the term "teacher" can be defined broadly to include instructional specialist working in consultation with an instructor.

   Teachers correct: 85% Media specialists: 94%
   This was a significant difference at the .05 level.

5. No librarian or media specialist can be held responsible for what teachers or students copy on coin-operated machines.

   True. Section 108 makes clear that neither librarians nor library employees are liable for the unsupervised use of reproducing equipment located on the premises proved that the machine displays a notice that making of a copy may be subject to the coypright law.

   Teachers correct: 66.7% Media specialists: 63.5%

6. According to fair use, the purpose of copying is more important than the amount copied.

   False: AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT FOR PROFIT EDUCATIONAL INSTITUTIONS, states that copying must meet the test of brevity and defines brevity for poetry (a complete poem if less than 250 words or an excerpt of 1000 words or less than ten percent).

   Teachers correct: 29.3% Media specialists: 34.6%

The next thirteen questions dealt with "fair use" and its application in a school setting. Respondents were asked to check which of the examples were fair use. The examples were based on AGREEMENT ON GUIDELINES FOR CLASSROOM COYPING IN NOT FOR PROFIT EDUCATIONAL INSTITUTIONS or GUIDELINES FOR EDUCATIONAL USES OF MUSIC both of which are included in House Report 94-1476, as well as JOINT STATEMENT OF POLICY, SCHOOL RECORDING OF PUBLIC AND INSTRUCTIONAL TELEVISION PROGRAMS.

7. The band conductor reproduces music for members of the band.

   Copying for the purpose of substituting the purchase of music is prohibited T..is is not an example of fair use.

   Teachers correct: 58% Media specialists: 80%

8. The English teacher produced a copy of one short Frost poem for each member of her class.

   The teacher is within the law as multiple copies for classroom use may be made if the complete poem is less than 250 words.

   Teachers correct: 79.6% Media specialists: 78.8%

9. The media specialist videotapes the new BBC production of "AS YOU LIKE IT."

   While all issues of off the air videotaping have not been resolved, networks have refused to allow the schools off the air recording without permission except for certain news and news events programs.

   Teachers correct: 41.5% Media specialists: 61.5%

10. The shop teacher runs off plans from POPULAR MECHANICS on how to build a bird house.

    This would be permissable providing the guidelines of brevity, spontaneity and comulative effect were met.

    Teachers correct: 59.2% Media specialists: 63.5%

11. The media specialist repoduces the entire text of an out-of-print math book for another school.

    If the work is out-of-print and unavailable on the market such reporduction would be within the guidelines of fair use.

    Teachers correct: 30.6% Media specialists: 34.6%

12. A teacher makes a slide/tape, presentation on "Art of the Renaissance" with all the pictures from single text of the same title.

    While one or two pictures would be permissable, this would clearly be forbidden under the definition of brevity.

    Teachers correct: 44.9% Media specialists: 42.3%

13. The class in remedial reading varies greatly from quarter to quarter. After seeing what the enrollment will be, the teacher makes copies of the workbook for each student.

    Copying of consumable materials is clearly forbidden.

    Teachers correct: 78.2% Media specialists: 88.5%

14. The social studies teacher makes copies of the important current events for her class each day as reported in the daily paper.

    The teacher is within the law. The definition of "cumulative effect" does not apply to current news periodicals or newspapers.

    Teachers correct: 74.1% Media specialists: 74.9%

15. A ninth grade art class, a tenth grade history class and a twelfth grade social problems class are all studying the cartoons of Thomas Nast, reproduced from a single source by each teacher.

    As long as each teacher does the copying for their individual class this is allowable. One teacher could not however assist making copies for everyone.

    Teachers correct: 36.7% Media specialists: 48.1%

16. The music appreciation teacher plays the classics for her class on cassette recordings made from records housed in the media center.

    Under clearly defined guidelines the teacher may make and keep a single copy of a sound recording, if the recording is owned by the educational institution or the teacher, and as long as the only purpose is for student exercises or examinations.

    Teachers correct: 36.7% Media specialists: 34.6%

17. The guidance department runs copies of any standarized test on individual student needs to be taken.

    The tests are consumable items and this would be a definite violation.

    Teachers correct: 81.7% Media specialists: 95.3%

18. The school's literacy magazine has been supporting itself by copying and selling words and music for the school song set to the tune of a popular song.

    Without permission of the publisher of the music this would clearly violate copyright.

    Teachers correct: 84.4% Media specialists: 84.5%

19. One half hour before the chorus presents its annual Bach cantata the director discovers all the alto music is missing. He copies it hurriedly.

    Yes, emergency copying to replace purchased copies which for one reason are not available for an iminent performance proved purchased replacement copies shall be substituted in due course.

    Teachers correct: 63.9% Media specialists: 59.6%

SUMMARY AND CONCLUSION

The first six questions dealt with the copyright law in general. While media specialists scored on an average a bit better than teachers (50.83% to 45.5%) it was not a significant difference. Only on question four did either group score well, and the media specialists scored significantly higher than teachers. That question dealt with liability and a high 94.2% of the media specialists knew they could not break the copyright law and then plead that a higher authority had so ordered.

Both groups did better on the PRoblems of applications, with the teachers scoring on the average of 59.3% and media specialists on the average of 65.2%; still not a significant difference when these figures are broken down just, over 80% of teachers and media specialists (54.5% and 56.5%) recognized correctly examples of fair use. However, media specialists were significantly higher (81.8%) than teachers (65.2%) in recognizing those actions that were not fair use and therefore illegal. As for prior information 8.2% of the teachers and 48.1% of the media specialists indicated they had received information about the copyright law. Two media specialists wrote they had not yet had time to read the information and a fourth of the teachers indicated what information they had received was that attached to the copyright.

Despite their special position in the school and despite the amount of material available to them, media specialists are only slightly better informed about the law than teachers. It could be concluded from the small number of teachers that have received copyright information that media specialists have not taken this responsibility upon themselves. Media specialists seem more sensitive about copyright violations than teachers, perhaps because in many schools, they are the person responsible for reproduction of media.

The copyright law is not yet settled in some areas and changes will occur as time goes by. However, the law provides clear rules for some copying. The law has enormous implications for educators as it endeavors to provide access to information for teachers and students. Providing access to information has long been considered the responsibility of the media specialists. Yet, in this aspect, which deals with Federal law, media specialist seem reluctant to take responsibility. Certainly little more can be done to publicize the law. Media specialists will be performing a service to educators if they become able and willing to provide teachers and administrators with guidelines concerning responsibility, limitations and possibilities under the new copyright law.